

SPEECH BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE AT THE HUMAN RIGHTS DAY FUNCTION

Vigyan Bhavan, New Delhi: 10-12-2012

I am happy to participate in the Human Rights Day function being organised by the National Human Rights Commission of India today. It gives me great pleasure to address this audience which has gathered to celebrate an occasion of universal importance and contemporary relevance. This day marks an important milestone in the quest of mankind towards realization of human rights for all citizens of the world.

On this day, in 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights which proclaims that "*All human beings are born free and equal in dignity and rights*". 64 years have passed since then. The Declaration has provided guidance to many nations in ensuring their laws are in tandem with the fundamentals of human rights.

In a world where human rights continues to remain a challenge in advanced as well as developing countries, the Declaration stands as a beacon for the international community on the standards it should set for the defence and promotion of human rights. The Universal Declaration is a reference document from which all subsequent human rights legal instruments have evolved to ensure protection of the weak and disadvantaged from injustice and arbitrary treatment.

India's association with the international human rights movement runs deep. Dr. Hansa Mehta - a freedom fighter,

educator and social reformer represented India on the United Nations Human Rights Commission which drafted the Declaration. She made significant contributions to the drafting of the Declaration, particularly on the subject of gender equality.

Even before independence, India was active at the international level in its advocacy of the promotion and protection of human rights. The quest for realization of human rights and respect for human dignity was core to our independence Movement. The Indian independence Movement was also a major influence and catalyst for similar movements in other parts of the world.

As early as 1895, a great leader, Bal Gangadhar Tilak initiated the Swaraj Bill which contained the following rights, namely, the right to freedom of speech and expression, the right to equality, the right to vote and so on. After the publication of the Montague-Chelmsford Report, the Indian National Congress at its special session at Bombay demanded that the Government of India Act should contain a declaration of Rights of People embodying basic human rights. The Indian National Congress Session at Madras in 1927 passed a resolution that the future Constitution of India must have a declaration of Fundamental Rights. The Motilal Nehru Committee in 1928 and Tej Bahadur Sapru Committee in 1944-45 which drafted a Constitution for India laid emphasis on Fundamental Rights.

The father of our nation, Mahatma Gandhi, was widely recognized as among the foremost human rights activists of the

world at the time the Universal Declaration was being drafted. Mahatma Gandhi was therefore consulted on the elements that should go into the Universal Declaration. The essence of Gandhiji's political philosophy is the empowerment of every individual and protecting the dignity and self-respect of every human being. This is also the central message of the Universal Declaration. The Universal Declaration also recognizes that rights come along with duties, an idea strongly propounded by Mahatma Gandhi.

While the Indian perspective found its due place in the Universal Declaration through the contributions of Dr Hansa Mehta, the Constitution of India too drew inspiration from the Declaration. While framing the Constitution of our country, the founding fathers used the Universal Declaration of Human Rights as a first draft for formulating the provisions of Part III of the Constitution on Fundamental Rights. As a result, there are several identical features between the fundamental rights contained in our Constitution and the Articles of the Universal Declaration on Human Rights, for instance - equality before law, non-discrimination on grounds of religion, race and sex, freedom of speech and expression, right to life and liberty and judicial remedy against violation of rights, are provided for in both these documents.

India is a signatory to all important international conventions on human rights, such as the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and Conventions on Elimination of all forms of Racial Discrimination, Elimination of

all forms of Discrimination against Women, Rights of the Child, Rights of Persons with Disabilities etc.

Since independence, we have been unambiguous in our commitment to the preservation and protection of human rights globally as well as within the country. India accepts that certain rights have always been understood by man to be basic such as the right to life and liberty. If human rights are inseparable from man, they should be equal in their application to all human beings at all places and at all times. These rights are fundamental to the very existence of mankind and not merely for the benefit of one class or one section of the society. Our Constitution reflects this position. The right to life and personal liberty is available to all people within its territory and not just its citizens.

Ladies and Gentlemen,

Human rights is central to the very notion of peace and development. Former UN Secretary-General Mr. Kofi Annan once observed: *"We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights"*. Promotion of political rights alone will not lead to the full enjoyment of human rights. Economic, social and cultural rights are equally important. The two sets of rights- political and socio-economic are inter-dependent. The Universal Declaration echoes this thought by calling in its Preamble for the advent of a world in which freedom from **fear and want** has been proclaimed as the highest aspiration of the common people.

On the eve of adopting the Constitution, Dr. B.R. Ambedkar, the Chief Architect of our Constitution observed, *“On 26th January 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment, else, those who suffer from inequality will blow up the structure of democracy which this Constituent Assembly has so laboriously built up”*.

India’s commitment to economic, social and cultural rights is reflected in the Directive Principles of State Policy which forms Part IV of our Constitution. These principles have been described as fundamental in the governance of the country. They are guidelines to the Central and the State governments, to be kept in mind while framing laws and policies.

In our approach to development, we have built on the Directive Principles and adopted a rights-based approach to areas such as education, employment and food security, which are basic endowments for dignified human existence. We have backed empowerment of our citizens with legal entitlements by enacting landmark legislation such as the Mahatma Gandhi National Rural Employment Guarantee Act of 2005 and the Right to Education Act of 2009. Legislation to provide food security is also on the anvil.

Good governance is the key to enforcement of rights by the people. The notions of transparency and accountability have to be translated into action. The Right to Information Act of 2005 entitles every citizen to the right to secure information under the control of public authorities.

Ladies and Gentlemen,

The National Human Rights Commission (NHRC), has since its inception in 1993 rendered yeoman service for the promotion and protection of human rights in the country. It has been playing a pivotal role in safeguarding the rights of the people. It has been involved in spreading human rights awareness and sensitization among various sections of society. The fact that people with impeccable credentials have occupied positions in this Commission has added to the credibility of this institution. It is due to this credibility enjoyed by the institution that the highest court of the country has been assigning matters of extreme importance to it.

The Protection of Human Rights Act which established the NHRC is widely seen as a model legislation and has been since emulated by many countries of the world. The successful functioning of our Commission has also inspired similar bodies in many other countries. The Commission has over the years made significant contribution to the protection and advancement of the right to life, liberty and dignity of the individual, by virtue of its prestige and expertise. It has also contributed to the growth of a human rights movement in the country.

The inevitable confluence of political and socio-economic rights in the cause of all round development of the country has been well understood by the NHRC. The work done by it in the field of eradication of child labour and bonded labour, creating and ensuring access to rights by children, women and people living on the margins of society, and public health, etc. is commendable.

Human Rights Day is an occasion for us to reflect on the journey that we, as a nation, have travelled so far on the path outlined by the Constitution of India and what we need to do further to make human rights and dignified existence for all our people a reality.

On this occasion of Human Rights day, I call upon our Government, the judiciary, statutory bodies like the National Commission and civil society to do their utmost for the promotion and protection of human rights. We must increase awareness for human rights by including it as a subject in school curricula. A human rights culture should infuse our national consciousness.

Finally, we have an outstanding Constitution and a plethora of sound laws and policies to uphold different dimensions of human rights. However, such an elaborate legal infrastructure to manage human rights will count for nothing if implementation is lacking in form and spirit. We must therefore focus efforts on translating our laws and Constitutional provisions into a reality for the common man.

Thank you. Jai Hind.